

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB-ACE
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,	)	
	)	
Defendants.	)	
	)	

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MOTION OF SPECIAL MASTER  
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black  
United States District Judge

FROM: Vickie L. Gabin  
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving interim fees and expenses for work performed in this case from January 1, 2004, through June 30, 2004. Most of the fees and expenses have already been paid from the trust account.

## I. WORK PERFORMED

### A. Case management

The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), Section 5 (Rio Gallina), and Section 7 (Tierra Amarilla). I continue to review and approve consent orders and acknowledgments, decide motions relevant to subfile activity in these sections, enter litigation and scheduling orders, and monitor the progress of the subfile activity. I held an informal meeting with attorneys involved in the three northern Rio Grande tributary adjudications to establish working priorities, had several scheduling and status conferences, and attended a field session in Tierra Amarilla. A status status and scheduling conference for Sections 3, 4, 5 and 7 is scheduled for late August. At that time, attorneys will request detailed scheduling orders for the next year's adjudication tasks.

### E. Federal and Indian water rights claims

There has been no activity in moving these claims along. The Pueblo rights claims were one subject of a March 2, multi-case status conference on Indian water rights claims, where the parties' attorneys discussed the competing demands of all the cases in federal court. The United States, the State of New Mexico and San Juan Pueblo, three parties who are also active in litigating tribal claims in State v. Abbott, the Santa Cruz/Truchas adjudication, proposed to defer the adjudication of San Juan Pueblo's rights in this adjudication until the Pueblo's rights have been adjudicated in Abbott. I concurred with this proposal. The federal agency claims will be the subject of the next multi-case status conference, to be scheduled for the fall.

## II. DECLARATION

### DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for my fee application, and that the work of data manager Karla McCall, Geta A. Gatterman, paralegal and administrative assistant, has been completed as described. Hourly records of work performed are available from the contractors if needed.

Dated: July 26, 2004

/electronic signature/  
VICKIE L. GABIN, SPECIAL MASTER